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EXAMINER	
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ART UNIT	PAPER NUMBER
2456	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/564,848	MIN ET AL.	
	Examiner	Art Unit	
	RICHARD G. KEEHN	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21,24-27,30,32,33,39,40 and 43-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21,24-27,30,32,33,39,40 and 43-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/29/2009 & 12/8/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 21, 24-27, 30, 32, 33, 39, 40 and 43-46 have been examined and are pending.**

2. **Applicant's prior art arguments are not persuasive. Accordingly, this Office action is made FINAL.**

Response to Arguments

3. Applicant's arguments filed 9/10/2009 have been fully considered but they are not persuasive. Applicant attempts to redefine AVTransport and Rendering Control services previously claimed as a first and second service respectively. However, these services are not claimed as mutually exclusive. So any service that provides the transportation of media along with playback attributes fits the claimed invention. As Examiner previously disclosed, the previously claimed "AVTransport" and "Rendering Control" services are disclosed in Runkis, Page 7, ¶ [0078]. In addition, as indicated by Examiner in the 35 U.S.C. 112 Claim rejection section below, Applicant has added new matter to attempt to redefine rendering control. However, the disclosure lacks support for the amended claim language. Even assuming, arguendo, that the amended claim language is proper, the combination of Runkis and Delpuch et al. disclose the two services, one for transport, the other for display and audio characteristics (Runkis - ¶ [0078]; and Dulpuch et al. - ¶ [0170]). Therefore, the independent claim language is taught by the combination of references, and Applicant's arguments are not persuasive. Dependent claims were amended to agree with the changes to the independent claims

and were not argued expect with respect to their dependency on independent claims. Hence dependent claims are also not persuasive.

Claim Objections

Claim 40 is objected to because of the following informalities: The phrase "volume volume" is probably just an accidental redundant insertion of the word "volume." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 21, 24-27, 30, 32, 33, 39, 40 and 43-46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. As to Claims 21, 24-27, 30, 32, 33, 39, 40 and 43-46, Independent Claims 21 and 26 recite:

i. "a first set of values" and "a second set of values." There is no disclosure of a set of values in the specification, previous claims or

drawings. The specification mentions capturing a state, but is silent on any set of values;

ii. "a first set of values adjustable by a first service" and "a second set of values adjustable by a second service." There is no disclosure whatsoever of *adjustment* of values in the specification, previous claims or drawings, let alone a *set of values*, let alone *adjustment* by a *service*;

iii. "associated with display characteristics and audio characteristics." The specification, previous claims and drawings are silent on display and audio characteristics. The specification mentions volume, but that is only one (singular) audio setting.

iv. "data flow control." There is no disclosure whatsoever of *controlling the flow of data* in the specification, previous claims or drawings. In fact, "flow" is not even mentioned.

b. Dependent claims are rejected as they depend upon rejected independent claims.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 21, 24-27, 30, 32, 33, 39, 40, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0046338 A1 (Runkis), and further in view of US 2004/0139480 A1 (Delpuch et al.).

As to Claim 21, Runkis discloses a method for delivering content playback related information between devices on a network, the method comprising:

obtaining state information from at least two services utilized in the playback of the content, the at least two services comprising a first service and a second service, wherein the state information comprises a first set of state values adjustable by the first service and a second set of state values adjustable by the second service, the first set of state values associated with data flow control of the content and the second set of state values associated with display characteristics and audio characteristics for outputting the content, (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback); and

invoking an action to a device to store the state information in the device (Runkis, Page 6, ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium),

the state information being included in the action as an input argument, (Runkis, Page 4, ¶ [0049] discloses the use of multiple PANO objects which are a superobject encompassing both software and hardware. Page 5, ¶ [0065] discloses that the PANO monitors, controls and regulates data transfers across a network. Page 6, ¶ [0073] discloses that the server in this PANO network is the central controller's database,

wherein the user's preference codes are transferred as an input argument to the central controller),

wherein the stored state information is later utilized in setting corresponding states of services to resume playback of the content (Runkis, Page 6, ¶ [0073] discloses user-generated data files being stored in the central controller's database; Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]).

Runkis discloses the second set of state values but does not explicitly disclose the volume characteristic. However, Delpuch et al. disclose a value associated with the volume for the playback of content (Delpuch et al. disclose remembering previous volume setting for resumption of audio service after muting - Page 13, paragraph [0170]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine wherein the information related to the rendering states in which data of the content is rendered includes a value about volume taught by Delpuch et al., with the information related to the rendering states in which data of the content is rendered taught by Runkis, in order to remember the previous volume setting to facilitate service interruptions such as muting (Delpuch et al. – paragraph [0170]).

As to Claim 24, the combination of Runkis and Delpuch et al. discloses the method of claim 21, wherein the first set of state information values obtained from the first service includes control information to be used for later playback of the content from a position where playback of the content is stopped (Runkis, Page 7, ¶ [0078] discloses a service being capable of storing the state of playback, and retrieving and rendering at a different location from the point in the rendering where playback was interrupted; Page 7, ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location).

As to Claim 25, the combination of Runkis and Delpuch et al. discloses the method of claim 21, wherein the device includes the at least two services (Runkis, Page 7, ¶ [0078] discloses a service being an audio/visual service and rendering control of watching a feature movie; Page 3, ¶ [0039] discloses that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered).

As to Claim 26, Runkis discloses an apparatus for delivering content playback related information, the apparatus comprising:

a server configured for storing content (Runkis, Page 6, ¶ [0072] discloses the use of the central controller's database as serving multiple PANOs.);

a device configured to include a second service (Runkis, Page 7, ¶ [0078] discloses a service being an audio/visual service and rendering control of watching a

feature movie; Page 3, ¶ [0039] discloses that services may include audio, video, games, etc. at least two of which contain video content to be transported and rendered); and

a control point configured for controlling the server and the device (Runkis, Page 6, ¶ [0073] discloses the PANO controlling the central controller server and rendering device),

wherein the control point is further configured to:

obtain state information from at least two services utilized in the playback of the content, the at least two services comprising a first service and the second service, wherein the state information comprises a first set of state values adjustable by the first service and a second set of state values adjustable by the second service, the first set of state values associated with data flow control of the content and the second set of state values associated with display characteristics and audio characteristics for outputting the content, (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback); and

invoke an action to the server to store the state information in the server, the stored state information being later utilized in setting corresponding states of services to resume playback of the content (Runkis, Page 6, ¶ [0072] discloses user-generated data files being stored in a non-volitile storage medium, invoked by the PANO; Runkis

discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]),

wherein the state information is included in the action as an input argument (Runkis, Page 4, ¶ [0049] discloses the use of multiple PANO objects which are a superobject encompassing both software and hardware. Page 5, ¶ [0065] discloses that the PANO monitors, controls and regulates data transfers across a network. Page 6, ¶ [0073] discloses that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller).

Runkis discloses the second set of state values but does not explicitly disclose the volume characteristic. However, Delpuch et al. disclose a value associated with the volume for the playback of content (Delpuch et al. disclose remembering previous volume setting for resumption of audio service after muting - Page 13, paragraph [0170]).

The motivation and obviousness arguments are the same as in Claim 21.

As to Claim 27, the combination of Runkis and Delpuch et al. discloses the apparatus of claim 26, wherein the server is configured to store the state information according to the action (Runkis, Page 6, ¶ [0073] discloses the central controller's database storing information according to the request of the PANO).

As to Claim 30, the combination of Runkis and Delpuch et al. discloses the apparatus of claim 26, wherein the server or the device is configured to include the first service (Runkis, Page 6, ¶¶ [0072-0074] describe a system wherein a home computer, which is be capable of supporting the transport of AV signals to remote rendering devices which render images and sound, through the use of the PANO superobject and network).

As to Claim 32, the combination of Runkis and Delpuch et al. discloses the apparatus of claim 27, wherein the first set of state information values stored in the server and obtained from the first service includes control information to be used for later playback of the content from a position where playback of the content is stopped (Runkis, Page 13, ¶ [0164] discloses an example of starting to watch a movie on one PANO in a hotel room, stopping playback, and resuming playback where she left off on a flight PANO; Page 7, ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location).

As to Claim 33, the combination of Runkis and Delpuch et al. discloses the apparatus of claim 27, further comprising a second control point, the second control point configured for reading the state information stored in the server and setting the read state information to a second device (Runkis, Page 6, ¶ [00764] discloses the

retrieval of playback information from the central server via data files to a second PANO).

As to Claim 39, the combination of Runkis and Delpuch et al. discloses the method of claim 21,

wherein the second set of state values obtained from the second service includes a value associated with volume (Delpuch et al. disclose remembering previous volume setting for resumption of audio service after muting - Page 13, paragraph [0170]).

The motivation and obviousness arguments are the same as in Claim 21.

As to Claim 40, the combination of Runkis and Delpuch et al. discloses the apparatus of claim 27,

wherein the second set of state values, stored in the server and obtained from the second serviceincludes a value associated with volume volume [*sic*] (Delpuch et al. disclose remembering previous volume setting for resumption of audio service after muting - Page 13, paragraph [0170]).

The motivation and obviousness arguments are the same as in Claim 21.

As to Claim 45, the combination of Runkis and Delpuch et al. discloses the method of claim 21, further comprising:

adjusting a time offset for the associated with the first set of state values included in the state information delivered by the device (Runkis discloses the storing of state

information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]; Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services).

As to Claim 46, the combination of Runkis and Delpuch et al. discloses the apparatus of claim 26, wherein a time offset for playback of the content is adjusted on a rendering device according to time information associated with the first set of state values included in the stored state information delivered by the server (Runkis discloses the storing of state information in the central controller that is later sent to another PANO to setup playback services, and discloses the transport of media and playback (rendering) information being sent/received between the PANO devices and central server - [0070-0073]; Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services).

6. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Runkis and Delpuch et al. as applied to claims 21 and 26 above, respectively, and further in view of US 2004/0243694 A1 (Weast).

As to Claims 43 and 44, the combination of Runkis and Deluph et al. discloses the method and system of claims 21and 26 respectively, wherein the first service and the second service are respectively associated with an AV Transport service and a Rendering Control service (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services).

The combination of Runkis and Deluph et al. is silent on UPnP. However Weast discloses rendering and transport that are defined by UPnP system (Weast discloses UPnP rendering and media transport - ¶ [0001]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine rendering and transport are defined by UPnP system taught by Weast, with the AV Transport service and the Rendering Control service taught by the combination of Runkis and Deluph et al., in order to employ user friendly hardware interfaces (Weast - ¶ [0001]).

Examiner Notes

7. This is the end of the third round of prosecution. Independent claims remain very broad. Examiner has again re-read the specification looking for something that may assist in advancing prosecution. Examiner notices the discussion of "push model", "pull model", and "coping renderer" concepts in the specification on pages 10-13. These

concepts do not appear to be claimed in any significant detail, if at all. Rather than introducing new matter to try to redefine AVTransport and Rendering Control, Examiner recommends considering inclusion of the detailed embodiment and function of the "push model", "pull model", *and* "coping renderer" concepts, *in independent form.* Doing so may help to overcome the cited prior art of record.

8. The aforementioned recommendation does not necessarily indicate allowable subject matter. Further search and/or reconsideration may be required depending on any response. The recommendations are presented to assist in advancing prosecution. Any decision on whether the aforementioned recommendations overcome the prior art will need to be determined after seeing any proposed amendments and/or arguments.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD G. KEEHN whose telephone number is (571)270-5007. The examiner can normally be reached on Monday through Thursday, 8am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

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